

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/28/2024

UNITED STATES OF AMERICA,

-against-

LARRY RAMOS,

Defendant.

23-cr-554 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court received the report from Defendant's competency evaluation, which the Court ordered at the parties' request as a "precautionary measure," *United States v. Nichols*, 56 F.3d 403, 414 (2d Cir. 1995), via email today. As such, IT IS HEREBY ORDERED that the parties shall file a joint status letter no later than September 4, 2024. In that letter, the defense must state whether it intends to press an argument that Defendant is incompetent to stand trial.

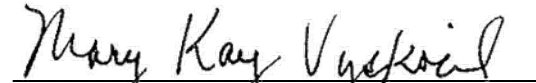
The parties previously agreed that, pursuant to 18 U.S.C. § 3161(h)(1)(A), "all Speedy Trial time is tolled until resolution of the defendant's pending competency proceedings" [ECF No. 46]. The parties are on notice that if the defense concedes, in the joint letter due on September 4, 2024, that Defendant is competent to stand trial, the Speedy Trial Clock will no longer be tolled pursuant to 18 U.S.C. § 3161(h)(1)(A), and the parties or the government must move to exclude any further time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). The Court will reschedule the evidentiary hearing on Defendant's motion to suppress, which it previously adjourned pending resolution of the competency proceedings [ECF No. 43].

If the defense intends to press an argument that Defendant is incompetent to stand trial, the parties must state, in the joint letter due on September 4, 2024, their positions on whether the Court must hold a competency hearing or may rely on the evaluation report, written submissions from

the parties, and “the court’s observation of the defendant’s comportment” at a prior proceeding in ruling on whether the defendant is competent. *Nichols*, 56 F.3d at 411.

SO ORDERED.

Date: August 28, 2024
New York, NY


MARY KAY VYSKOČIL
United States District Judge